



Marcella Clem, Secretary
Humboldt County Association of Governments
707.444.8208

Maura Twomey, Chair
Association of Monterey Bay Area Governments
831.883.3750

Woodrow Deloria, Vice Chair
El Dorado County Transportation Commission
530.642.5263

March 15, 2018

Christopher Calfee
Deputy Secretary and General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

**Subject: Notice of Proposed Rulemaking for Amendments and Additions to State CEQA Guidelines -
New Section 15064.3. Determining the Significance of Transportation Impacts**

Dear Mr. Calfee,

Thank you for the opportunity to comment on the Natural Resources Agency's Proposed Rulemaking for Amendments and Additions to the State CEQA Guidelines. There is a major inconsistency in the proposed rules for when the statewide start date for when Lead Agencies must switch from using Level of Service (LOS) to Vehicle Miles Traveled (VMT) for CEQA transportation impacts. The *Proposed Regulatory Text* is inconsistent with what the statewide start date with what is stated in the *Initial Statement of Reasons* and the *Notice of Proposed Rulemaking* for the New Section 15064.3 - Determining the Significance of Transportation Impacts.

The *Proposed Regulatory Text* on page 11 section (c) Applicability states, "The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. **Beginning on July 1, 2019, the provisions of this section shall apply statewide.**" The July 1st 2019 statewide start date in the *Proposed Regulatory Text* is not consistent with the language in the *Initial Statement of Reasons* and the *Notice of Proposed Rulemaking* for the New Section 15064.3 - Determining the Significance of Transportation Impacts. On Page 8 of the *Notice of Proposed Rulemaking* states, "**a two-year grace period for those agencies that need time to update their own procedures.**" Also a period for local jurisdictions will "**have until 2020 to switch to VMT if they so choose**" Page 16 - Initial Statement of Reasons. Assuming six months before the adoption of these proposed rules by the Office of Administration Law on October 2017, the proposed July 1st 2019 statewide adoption date is only nine months away which is significantly less than the 2 year grace period and the 2020 start date proposed in the other Natural Resource Agency Proposed Rulemaking documents.

OPR's *Final Proposed Updates to the CEQA Guidelines* from November 2017 page 80, c) Applicability, "The provisions of this section shall apply prospectively as described in section 15007. A lead agency may elect to be governed by the provisions of this section immediately. **"Beginning on January 1, 2020, the provisions of this section shall apply statewide."**

As a rural Regional Transportation Planning Agency, the start date of this section by July 1st 2019 does not allow enough time for local and regional agencies to adopt new thresholds of significance for the new VMT transportation metric. The OPR's Final SB 743 Recommendations does not include any recommendations for a VMT methodology, thresholds of significance, and mitigation measures for rural regions. The OPR's Final



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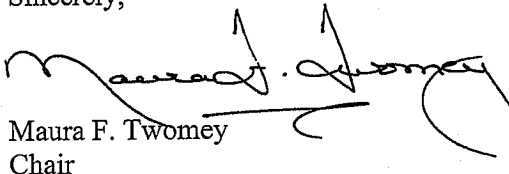
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CEQA Guidelines recommendations are exclusively for urbanized regions. From Page 15 of OPR's Technical Advisory Document, "In rural areas of non-MPO counties (i.e., areas not near established or incorporated cities or towns), fewer options may be available for reducing VMT, and **"significance thresholds may be best determined on a case-by-case basis."** We are planning to establish a VMT methodology, thresholds of significance, and mitigation measures as part of comprehensive Vehicles Miles Traveled (VMT) Study for our region. This will help to avoid issues with having to use VMT thresholds on case by case basis.

In order to establish our VMT thresholds, we need a least a two year transition period which was recommended by OPR to allow local and regional agencies time to transition from LOS to VMT. A rush to implement these new rules for local and regional agencies will severely impact the development entitlement process which would include approving housing projects. Local and regional agencies want to be consistent with State laws including SB 743 and the new rules proposed by the Natural Resources Agency. However, rushing implementation could have unintended consequences such as: legal, economic, social equity, and environmental impacts throughout the State.

We recommend to the Natural Resource's Agency to change the proposed July 1st 2019 statewide start date in Proposed Regulatory Text to a two year transition period from the date of the adoption of these proposed rules by the Office of Administration Law for the provision of 15064.3 Determining the Significance of Transportation Impacts to apply Statewide **on January 1st 2021.**

Sincerely,


Maura F. Twomey
Chair

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